

FIFTH DAY.

(Continued.)

Senate Chamber,
Austin, Texas,
September 16, 1931.

The Senate met at 9:30 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Senate Bill No. 2.

The question recurred upon the pending amendment to the substitute for the amendment to S. B. No. 2.

The amendment was adopted by the following vote:

Yeas—17.

Beck.	Parr.
Berkeley.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Holbrook.	Small.
Hopkins.	Thomason.
Hornsby.	Williamson.
Neal.	Woodward.
Oneal.	

Nays—12.

Cunningham.	Purl.
DeBerry.	Rawlings.
Hardin.	Russek.
Martin.	Stevenson.
Moore.	Woodruff.
Poage.	Woodul.

(Pair Recorded.)

Senator Cousins (present) who would vote nay, with Senator Loy (absent) who would vote yea.

Senator Parr sent up the following amendment to the substitute:

Amend the caption by striking out the word "one-third" in lines 20 and 24 and inserting in lieu thereof the word "one-fourth."

PARRISH,	ONEAL,
PARR,	RUSSEK,
WOODWARD,	SMALL.

Read and adopted.

Senator Moore sent up the following amendment to the substitute:

Amend substitute to S. B. No. 9, as follows:

Line 52, page 1, by striking out the words "one-fourth" and insert in lieu thereof the words "one-half,"

and line 53, page 1, after the word "cultivation" by adding "in cotton." MOORE.

The amendment was read.

Senator Woodruff moved the previous question on the amendment and the substitute. The motion was not sufficiently seconded.

Senator Parrish moved to recess until 2 o'clock p. m. The motion was lost.

Bills Introduced.

By Senator Moore:

S. B. No. 20, A bill to be entitled "An Act declaring the policy of the State of Texas on production of cotton of less than 5/8 inch staple; providing for penalties; providing for payment of such penalties; requiring report of producers and ginners of cotton of less than 5/8 inch staple; making the producers of such cotton and owners of gins liable to civil action for failure to report any such cotton ginned, and prescribing the duties; providing penalties, and declaring an emergency."

Read and referred to Committee on Agricultural Affairs.

By Senators Beck, Small, Hardin, Hornsby, Patton, and Cunningham:

S. B. No. 21, A bill to be entitled "An Act requiring that all ginners, cotton yard operators, and public warehouse men, as defined by the laws of this State, shall upon the request of the owner of any cotton held or possessed by such ginners, cotton yard operators or public warehouse men, draw samples of said cotton and send same to the State Department of Agriculture for classification; authorizing the Commissioner of Agriculture to employ public cotton classifiers licensed as required by law; authorizing the Commissioner of Agriculture to issue certificates showing grade and staple of samples of cotton and to prescribe such forms of reports and records and to do such other things as he may deem proper for carrying out the purposes of this law; providing for cooperation with the United States Department of Agriculture and the A. M. College; appropriating fifty thousand and no/100 (\$50,000) dollars; providing penalties; and declaring an emergency."

Read and referred to Committee on Agricultural Affairs.

By Senator Martin:

S. B. No. 22, A bill to be entitled "An Act to amend Section 28, Chapter 16, of the General Laws passed by the Thirty-ninth Legislature, at its First Called Session, by adding thereto two new sections, known as Section 16-A and Section 16-B; providing that where any road district includes within its limits portions of a previously created road district, subdivision or precinct, having road bond debts outstanding, the newly created road district may issue bonds for the purchase of roads within the previously created district, subdivision or precinct; provided that such bonds shall be authorized and issued in the form and manner prescribed by General Law; providing that nothing in this Act shall affect or impair any bond debts of previously created road districts, subdivisions or precincts, portions of which may be included within the subsequently created road district, but that such indebtedness shall remain chargeable against the territory voting the same; providing that where a two-thirds majority of the qualified tax payers and voters of any road district embracing portions of any previously created road district, subdivision or precinct, heretofore created, voting on the proposition, have voted in favor of the issuance of bonds for the purchase of roads within the road district, subdivision or precinct, portions of which were and are included within the new district, and also, voting on the proposition of the further construction of roads within the new district and the levy of taxes therefor, and such bonds have been approved by the Attorney General and registered by the State Comptroller, each such election and all acts and proceedings in connection therewith by the commissioners' court, and all such bonds and taxes, are validated and declared to be the legal and binding obligations of such districts, according to their terms; authorizing the commissioners' court to pass all necessary orders in respect of any such bonds which have not been issued and sold, and to levy taxes therefor; providing for the assumption by the new district of only that portion of the outstanding bonded indebtedness of the old district in the same ratio that the assessed valuation of the property of the former district, subdivi-

sion or precinct, included in the new district, bears to the assessed valuation of such former district, subdivision or precinct; enacting provisions incident and necessary to the subject and purpose of this Act; providing a method for the issuance of such bonds; and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

By Senator DeBerry:

S. B. No. 23, A bill to be entitled "An Act suspending the rights of the State, counties, cities, towns, municipalities and all other divisions of the Government to enforce tax lien from and after this Act becomes effective until January 1, 1933; providing that the same shall in no wise affect the right of the State, counties, cities, towns, municipalities, or other divisions of the Government to collect interest or penalties as provided by law for any delinquent tax, and declaring an emergency."

Read and referred to Committee on Civil Jurisprudence.

Recess.

Senator Cousins moved to recess until 2 o'clock p. m. The motion prevailed by the following vote:

Yeas—23.

Beck.	Poage.
Berkeley.	Pollard.
Cousins.	Purl.
DeBerry.	Rawlings.
Gainer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hopkins.	Thomason.
Moore.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.
Parr.	

Nays—3.

Hornsby.	Williamson.
Parrish.	

Absent.

Cunningham.	Martin.
Greer.	Patton.
Loy.	

At 12:04 o'clock p. m., the Senate recessed.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess, and was called

to order by Lieutenant Governor Edgar E. Witt.

Senate Bill No. 11.

The Chair laid before the Senate on its second reading the following bill:

By Senator Poage:

S. B. No. 11, A bill to be entitled "An Act to amend Section 2, Chapter 34, of Acts of the First Called Session of the Forty-first Legislature of the State of Texas, said Chapter being entitled 'An Act to create a more efficient road system for McLennan County, Texas' by changing the figures eighteen hundred (\$1,800.00) dollars to six hundred (\$600.00) dollars wherever they appear, and adding thereto a provision prohibiting the use of county owned automobiles or any form of county supplied transportation by the County Commissioners of McLennan County, and prohibiting the receipt by such commissioners, of compensation not herein provided for, repealing all laws and parts of laws in conflict herewith and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Poage, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 11 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Thomason.
Hornsby.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent.

Oneal. Stevenson.

Absent—Excused.

Loy.

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Poage.
DeBerry.	Pollard.
Gainer.	Purl.
Greer.	Rawlings.
Hardin.	Russek.
Holbrook.	Small.
Hopkins.	Thomason.
Hornsby.	Williamson.
Martin.	Woodruff.
Moore.	Woodul.
Neal.	Woodward.

Absent.

Oneal. Stevenson.

Absent—Excused.

Loy.

Senate Bill No. 2.

The question recurred upon the pending amendment to the substitute for the amendment to S. B. No. 2.

Senator Small moved to table the amendment. The motion prevailed by the following vote:

Yeas—17.

Berkeley.	Parrish.
Cunningham.	Patton.
Gainer.	Poage.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Thomason.
Neal.	Williamson.
Oneal.	Woodward.
Parr.	

Nays—12.

Beck.	Pollard.
DeBerry.	Purl.
Holbrook.	Rawlings.
Hornsby.	Stevenson.
Martin.	Woodruff.
Moore.	Woodul.

(Pair Recorded.)

Senator Cousins (present) who would vote nay, with Senator Loy (absent), who would vote yea.

Senator Gainer sent up the following amendment to the substitute:

Amend substitute to S. B. No. 2, by striking out Section 2, page 1, and amending in lieu thereof the following:

"That the planting of cotton seed for the purpose of raising cotton be and the same is hereby prohibited in the State of Texas during the calendar year 1932, and further, the gathering of cotton grown in said year and the ginning thereof are hereby prohibited." And amend the caption accordingly.

GAINER.

The amendment was read.

Senator Pollard raised the point of order that the amendment was out of order because it amounted to the same proposition as that embodied in the original bill under consideration.

The Chair overruled the point of order.

Reason For Vote.

I voted against tabling the Moore amendment because I preferred it to the Parr amendment, which cut the acreage to be planted to cotton to one-fifth of the cultivated area. I really prefer a bill that would reduce the acreage to 50 per cent of the cultivated area of all farms.

DeBERRY.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, Sept. 16, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill.

H. B. No. 19, A bill to be entitled "An Act repealing subdivision four (4) of Article 7047 of the Revised Statutes of 1925 as amended by Chapter 212, Acts of the Regular Session of the Forty-second Legislature, levying an occupation tax on peddlers, and declaring an emergency."

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bills Referred.

H. B. No. 12, referred to Committee on State Affairs.

H. B. No. 19, referred to Committee on Agricultural Affairs.

Consent to Print.

Senator Martin received unanimous consent to have printed in the

Journal Senator Hopkins' speech on S. B. No. 2, and pay the expense of the printing out of the contingent expense fund. (See Appendix.)

S. C. R. No. 5.

Senator Hornsby sent up the following resolution:

Whereas, The Associated Press of this date, 16th day of September, 1931, carries a statement issued by Governor Huey P. Long of the State of Louisiana, as follows:

"It is an open matter of conversation and of world wide known fact that the members of the Texas Legislature have been bought like a sack of corn to vote against the cotton prohibition plan.

"It is so well known that it is a matter of openly admitted conversation that they have paid them off like a slot machine.

"Every state in the South is ready to vote the prohibition plan and the people of Texas are begging for it, but the corruption at Austin alone stands in the way.

"It is a standing disgrace to the shame of the South and to the impoverishment of its people." and,

Whereas, This statement is not only untrue but carries the vice of a lie and the venom of a liar; and,

Whereas, It is an assault by the Executive of the State of Louisiana upon the Legislative Department of the State of Texas, and should not be permitted to go unchallenged, but should be met with a proper denial and denunciation. Therefore,

Be It Resolved, by the Senate of Texas, the House Concurring, That the above and foregoing quoted statement of Huey P. Long, Governor of the State of Louisiana, is a lie made out of the whole cloth, and its author is a consummate liar.

HORNSBY,	WILLIAMSON,
DeBERRY,	COUSINS,
WOODRUFF,	BERKELEY,
RAWLINGS,	PARR,
GAINER,	STEVENSON,
THOMASON,	WOODWARD,
POAGE,	GREER,
RUSSEK,	SMALL,
PURL,	MARTIN,
MOORE,	ONEAL,
HOPKINS,	WOODUL,
PATTON,	HARDIN.

Senator Hornsby moved to take up the resolution out of its regular or-

der and consider it at this time
The motion prevailed by the follow-
ing vote:

Yeas—24.

Beck.	Oneal.
Berkeley.	Parr.
Cousins.	Parrish.
DeBerry.	Patton.
Gainer.	Poage.
Greer.	Purl.
Hardin.	Rawlings.
Holbrook.	Russek.
Hopkins.	Williamson.
Hornsby.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.

Nays—6.

Cunningham.	Small.
Neal.	Stevenson.
Pollard.	Thomason.

Absent—Excused.

Loy.

The resolution was read.

Senator Pollard sent up the follow-
ing amendment:

Amend resolution by striking out
all below "and" after the quotation
and insert in lieu thereof the fol-
lowing:

"Whereas, Said statements are
wholly untrue and without any basis
for truth and is hereby in all things,
denied. Now, therefore,

Be It Resolved, by the Senate and
House of Representatives Concurring,
That the said Governor of Louisiana
be and he is hereby requested to
furnish any, each and every fact up-
on which he relies to sustain any
fact upon which he relied in making
said statements and upon a failure
to do so, the said Governor Huey P.
Long in fairness to himself and to
the people of Texas, and the Legis-
lature of Texas, apologize for making
such statements, and a copy of this
resolution be furnished said Gover-
nor Long."

POLLARD.

The amendment was read.

Senator Hornsby moved to table
the amendment. The motion pre-
vailed by the following vote:

Yeas—19.

DeBerry.	Hardin.
Gainer.	Hopkins.
Greer.	Hornsby.

Martin.	Russek.
Moore.	Small.
Parr.	Williamson.
Parrish.	Woodruff.
Poage.	Woodul.
Purl.	Woodward.
Rawlings.	

Nays—9.

Beck.	Neal.
Berkeley.	Patton.
Cousins.	Pollard.
Cunningham.	Thomason.
Holbrook.	

Absent.

Oneal.	Stevenson.
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Absent—Excused

Loy.

The resolution was adopted by the
following vote:

Yeas—21.

Berkeley.	Parrish.
Cousins.	Poage.
DeBerry.	Purl.
Gainer.	Rawlings.
Greer.	Russek.
Hardin.	Small.
Hopkins.	Williamson.
Hornsby.	Woodruff.
Martin.	Woodul.
Moore.	Woodward.
Parr.	

Nays—7.

Beck.	Patton.
Cunningham.	Pollard.
Holbrook.	Thomason.
Neal.	

Absent.

Oneal.	Stevenson.
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Absent—Excused.

Loy.

S. C. R. No. 6.

Senator Berkeley sent up the fol-
lowing resolution:

Whereas, The General Staff of the
War Department, in the alleged in-
terests of economy and for the great-
er efficiency of the military estab-
lishment of the country, having rec-
ommended the abandonment of cer-
tain army posts throughout the coun-
try, among which are included the
following Texas posts, viz: Fort D.
A. Russell at Marfa, Fort Clark at

Brackettville and Fort Brown at Brownsville, and

Whereas, Each of above named army posts were, primarily, established for adequate and timely protection to the inhabitants of the territory bordering the Texas-Mexico International boundary in their lives and property rights, and

Whereas, The major portion of West and Southwest Texas is at this time a sparsely populated area, but one holding great possibilities of development of its territory as an ideal stock raising and highly mineralized section, and one where agricultural development is steadily advancing, and will be made more certain if the existing military establishment remains, thereby lending a better feeling of security to life and property, and

Whereas, There is no apparent emergency demanding the early removal of troops from the Texas garrisons proposed to be abandoned, even granting that interests of economy in administration and the greater efficiency of the military establishment of the country will be advanced by concentration of the military strength of the nation at large military centers, alleged as the basis for abandonment of the small army posts named, and

Whereas, The removal of troops from these said Texas army posts, located as they are at points where no character of industries exist providing pay rolls to partially sustain business at this time when all lines of business throughout the nation are almost wholly demoralized, many of them on the verge of failure, can well be calculated to bring about financial distress in said communities, now therefore

Be It Resolved, By the Senate of Texas, the House of Representatives Concurring, Do hereby petition the War Department to retain the army posts herein above named, believing that it will provide a feeling of security to the people in these several localities, and will render more safe the property investment of their citizens, particularly in view of the fact that it is largely an exposed border country; secondly, that should the War Department ultimately deem it expedient and in the interest of economy, and for greater efficiency of the military establishment to

abandon said posts, that the order for actual abandonment thereof be suspended and postponed until such time as the business structure of the nation has assumed at least a partially normal status; thirdly, that a copy of this resolution be mailed to the General Staff of the War Department, the Secretary of War, and the President of the United States, and the members of the Texas delegation in the House of Representatives of the United States, and the members of the United States Senate from Texas.

BERKELEY,
PARR.

Read and adopted.

Motion to Re-refer.

Senator Small moved to withdraw H. B. No. 19, from the Committee on Agricultural Affairs and re-refer it to the Committee on State Affairs.

Senator DeBerry moved to table the motion. The motion was lost by the following vote:

Yeas—10.

Cunningham.	Holbrook.
DeBerry.	Parrish.
Gainer.	Pollard.
Greer.	Thomason.
Hardin.	Woodruff.

Nays—13.

Berkeley.	Purl.
Hopkins.	Rawlings.
Hornsby.	Small.
Moore.	Williamson.
Parr.	Woodul.
Patton.	Woodward.
Poage.	

Absent.

Beck.	Oneal.
Cousins.	Russek.
Martin.	Stevenson.
Neal.	

Absent—Excused.

Loy.

The motion to refer to the Committee on State Affairs prevailed.

Recess.

On motion of Senator Hopkins, the Senate, at 6:56 o'clock p. m., recessed until 10 o'clock tomorrow morning.

APPENDIX.**Committee on Engrossed Bills.**

Committee Room,
Austin, Texas, Sept. 16, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 11 carefully examined and compared and find same correctly engrossed.

HARDIN, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, Sept. 16, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 16, A bill to be entitled "An Act to amend Article 1645, Title 34, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 35, General and Special Laws passed at the First Called Session of the Fortieth Legislature, as amended by Chapter 38, General and Special Laws passed at the First Called Session of the Forty-first Legislature relating to the appointment and compensation of county auditors in counties containing a population of thirty-five thousand inhabitants, or over, according to the preceding Federal census, or having a tax valuation of fifteen million dollars, according to the last approved tax roll, and providing additional compensation for the county auditors in such counties having more than 200,000 population and not more than 300,000 population according to the last Federal census where there is a city and county hospital to care for city and county patients, and where a financial record for such hospital must be kept and reports made to the city and county and providing that if any portion of this Act be declared unconstitutional or invalid, the remainder shall not be affected thereby, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOORE, Chairman.

Committee Room,
Austin, Texas, Sept. 16, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Agricultural Affairs, to whom was referred

S. B. No. 7, A bill to be entitled "An Act to prevent deterioration and destruction of farm land planted to cotton; making certain exceptions; fixing penalty for violating this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with recommendation that it do pass and be not printed in lieu of advance printing.

GAINER, Chairman.

Committee Room,
Austin, Texas, Sept. 16, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

S. B. No. 15, A bill to be entitled "An Act to amend Senate Bill No. 114, Chapter 68, of the Laws of the State of Texas, as passed by the Forty-second Legislature at its Regular Session in 1931, which Act defines and regulates public cotton classers, by a more complete definition of a public cotton classer, repealing all laws and parts of laws in conflict therewith and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CUNNINGHAM, Chairman.

Committee Room,
Austin, Texas, Sept. 15, 1931.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 13, A bill to be entitled "An Act to amend Article 7332, Chapter 10, Title 122, of the Revised Civil Statutes of Texas, 1925, as amended by the Act of the Forty-first Legislature passed at its Regular Session, and found in the published laws of said session, Chapter 143, page 307-308, and as amended by the Acts of the Fourth Called Session of the Forty-first Legislature,

as the same appear in the published laws of said session, Chapter 20, page 37, and as amended by the Forty-second Legislature at its Regular Session as same appears in the published laws of said session, Chapter 258, page 428, and providing that the officers herein named shall not be entitled to the fees provided for herein in delinquent tax suits until actual notice is given to the delinquent owner as provided for in Article 7324, to repeal all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Sept. 16, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 18, A bill to be entitled "An Act to authorize any county in this State having any claim for money against any person, partnership, corporation, joint stock or other association, to purchase the property of such debtor or debtors, at any sale under any proceedings in bankruptcy, receivership or in any other judicial proceeding whatever, whenever the commissioners' court of said county, for such price as the commissioners' court may deem advisable and for the best interests of the county, and to have such property by said trustee in bankruptcy, receiver or other judicial officer conveyed and transferred to the county; further authorizing the commissioners' court of any such county to borrow money on the credit of the county, and to execute, or cause to be executed the obligations of the county therefor, for the purpose of making such purchases, and further authorizing such county to pledge, hypothecate or mortgage any property so purchased to secure the payment of all sums so borrowed; giving and granting to the commissioners' court full power and authority to determine upon what terms, for which length of time, and at what rate of interest said sums shall be borrowed; further authorizing said commissioners' court to liquidate all

assets so purchased for the use and benefit of the county in any manner that a private individual might liquidate such assets, to sell and convey all or any part of such property so acquired, either for cash or upon credit, for such length of time and at such rate of interest as it may deem advisable, and to sue upon any obligations so acquired or contracted to be paid to such county; further authorizing the commissioners' court to pay the necessary cost and expense incurred in connection therewith from such property or the proceeds received by the county from such liquidation shall be paid into the respective funds of the county to which such claim originally belonged pro rata; repealing all laws in conflict herewith and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that in lieu thereof the committee substitute do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, Sept. 16, 1931.

Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 19, A bill to be entitled "An Act to validate the organization and creation of all school districts, including common school districts, independent school districts, consolidated school districts, consolidated common school districts, consolidated independent school districts, county line school districts, consolidated county line school districts and rural high school districts, whether created by General or Special Law or county board of trustees and board of such districts, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

NEAL, Chairman.

By Thomason. S. B. No. 19.

A BILL

To Be Entitled

An Act to validate the organization and creation of all school districts,

including common school districts, independent school districts, consolidated common school districts, consolidated independent school districts, county line school districts, consolidated county line school districts, and rural high school districts, whether created by General or Special Law or county board of trustees; validating the acts of said county boards of trustees and boards of such districts; validating all proceedings and acts of said boards of trustees heretofore taken by such boards of trustees; validating all bonds, voted, authorized and/or sold and/or now outstanding of said district; validating all tax levies made in behalf of said districts; making certain exceptions; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. All school districts, including common school districts, independent school districts, consolidated common school districts, consolidated independent school districts, consolidated common school districts, consolidated independent school districts, county line school districts, consolidated county line school districts and rural high school districts, whether created by General or Special Law in this State, and heretofore laid out and established or attempted to be established by the proper officers of any county or by the Legislature of the State of Texas and heretofore recognized by either State or county authorities as school districts, are hereby validated in all respects as though they had been duly and legally established in the first instance; all acts of the board or boards of trustees in such districts ordering an election or elections, declaring the result of such elections, and levying taxes therefor, and all bonds issued and now outstanding, and all bonds heretofore voted but not yet issued, are hereby in all things validated. The fact that by inadvertence or oversight any act of the officer of any county in the creation of any district was omitted shall in nowise invalidate such district, and the fact that by inadvertence or oversight any act was omitted by any board of trustees of any such district in ordering an election or elections, or in declaring the

result thereof or in levying the taxes for such districts, or in the issuance of the bonds of any such district shall in nowise invalidate any of such proceedings or any bonds so issued by such district. All acts of the county boards of trustees of any and all counties in rearranging, changing or subdividing such school districts or increasing or decreasing the area thereof, in any school district of any kind, or in creating new districts out of parts of existing districts or otherwise, are hereby in all things validated. This Law shall not apply to any district, the organization or creation of which is now involved in litigation. Provided further that this Act shall not apply to any district which may have been established or consolidated and which has later returned to its original status and has been so recognized by the proper authorities.

Sec. 2. The fact that the legal existence of various school districts may be questioned creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Speech of Senator W. K. Hopkins.

In the Senate of Texas, Second Called Session Forty-second Legislature.

Tuesday, September 16, 1931.

Afternoon Session.

Senator Hopkins: Mr. President.

The President: The Senator from Gonzales is recognized.

Senator Hopkins: Mr. President, and Members of the Senate: It is with some decided degree of hesitancy that I rise to my feet at this time in an endeavor to present my thoughts upon this subject to the members of this body. I say that it is with a degree of hesitancy for a number of reasons: First, I realize that there are those gentlemen within the confines of the Nineteenth Senatorial District—admirable men and men of judgment, men who have made brilliant successes in their careers—who are very much at odds with the position which I shall adopt at this time. With all due respect to

those admirable gentlemen—and they are my friends—I say to them that I come and approach this question not in a hurried manner, not in a haughty nor arbitrary fashion, but only after due and troublesome debate with myself. I might say, Mr. President, that I even approach it in somewhat of a prayerful manner. I believe it should be approached in that spirit and attitude for certainly, Members of the Senate, this is a question before us which has far-reaching ramifications, laden with problems and questions, not only for the present but for the years and decades to come. The effects which may flow from legislation enacted at this time may be of such a nature as will rebound for many years in the future. It is with a distinct regret that I differ with those friends of mine who have been my supporters and are today. I differ, I might say, Mr. President, with some of the closest friends God has ever given to man upon this question; and wishing, as I do, that I could yield to their judgment, I cannot find it within myself to yield to that which I believe is not an everlasting principle of sound Democratic government.

It has been said many times over, not only to me but to other members of this Senate and this Legislature and to the present presiding officer of this body himself, that this is a time when a servant of the people in a public capacity should ignore his personal thoughts, subvert his judgment on this question, forswear the duties under his oath of office, and content himself with voting, as it is said, the so-called will of the people. It has even been said to me, Mr. President, by those who are radical upon this subject that the Constitution no longer means anything—that it is a mere rote of words. It has been said to me that principle has been before, and should now, upon this occasion, yield to expediency and be trampled under foot. But now I say to you, Sir, that in my humble opinion, principles are everlasting and to do violence to a principle which is the mudsill and the foundation upon which free governments are founded is to do not only violence to the rights of the people today but to the rights of the people's children in the days to come. I cannot find it in me to subscribe to the doctrine that the end justifies

the means; and I say to you, in my humble judgment, that it is wandering too far afield now, seeking the pot of gold at the end of the rainbow, under this specious theory to adopt the pernicious doctrine that any means are justified when you seek a given end. Specious it is now and more specious will it become in the not far distant future. I submit to you, Gentlemen of the Senate, that in times of prosperity, when times are good, when there is plenty in the land and there is no hue and cry of distress, that principles take care of themselves—but principles are everlasting. A poet many years ago once said, speaking of the everlasting natural waters of a stream, that "men may come and men may go, but I go on forever." I humbly submit to you that fundamental principles of government are conceived in blood and achieved only at the point of the bayonet; and that men may come and men may go but those principles of government are here forever and they shall not, and will never, die.

So I say that it is in defense of a principle of government as I see it that I rise today, and I feel that any public servant who yields to expediency today, regardless of who he may be, regardless of his career and regardless of that which he seeks to accomplish in the future, is recalcitrant to the oath he took to support the Constitution, is faithless in the performance of the public trust and does violence to the rights of the people and perverts the very fundamental doctrine upon which we all should stand. In times of strife principles are protection and people can be protected only by, through and under the virtue of the principles involved. So I cannot find it within my heart to subscribe to the doctrine that the end justifies the means and yield a principle at a time when it needs protection. It has been said of me and broadcast in some sections of my district that the reasons which impel me in adopting my present position are perhaps those which are influenced by some sinister person or group of persons. I say that is false, my friends, for I come before you raising my voice in behalf of principle, actuated only by motives near and dear to my heart.

Seven of the best years of my life were spent on a farm fifteen miles from a railroad, my mail coming at

intervals of many days, I having gone there as a common horny-handed son of toil, following the plow; and I do know that so many of you have done that in the recent past. In the end I was compelled to turn over to a land bank approximately one-half of the heritage from my father, and the other half, including the home of my mother, was turned over to creditor banks as the result of my venture in the growing of cotton. It was a bitter experience and one that necessarily branded its mark in indelible characters on my heart; and, therefore, I feel that I come to you with an understanding of the burdens and the problems of the farmer. Descended I am, Mr. President, from a great-grandfather who came to Texas as a pioneer in the year 1851, bringing to this fertile state in its then new-born character, a wife, four children, two wagons and four yoke of oxen as his worldly assets, to earn a livelihood from long hours of toil, obtained from an unyielding and unwilling soil. His son, my grandfather, followed the same line of endeavor and his son, my father, followed the plow likewise up to the time he took to the practice of the law. So I say that my ancestry and experience of every character of doctrine which has been instilled within me from the time I could first utter a childish word at my mother's knee has been for and in behalf of the farmer. Those, therefore, who may raise their voices in criticism of myself or any other person who knows the problems of the farmer, who may raise their voices as demagogues,—and the voice of the demagogue is abroad in the land,—and challenge me, I will meet on any line they may draw.

Let me say to you that in my opinion we have before us an everlasting proposition, one that cannot be solved at one fell swoop as you would cut the Gordian Knot, a proposition which, if you attempt to solve by working a miracle overnight, Senator from Coleman, you will but open the top of Pandora's box and allow all known and unknown evils to flow forth to prey upon an unsuspecting citizenship.

The magnitude of this subject, Mr. President, is almost beyond comprehension. Bear in mind, Members of the Senate, that when you violate the principles of government involved in and about to be jeopardized by these

bills, you strike down the only protection known to over 400,000 farmers in this broad land of ours. By such action you will have said to them that in spite of the fact that your forefathers have enjoyed and your children to come will enjoy, the blessings of a wonderful foresight of that group of men who wrote our Constitution, that we are, nevertheless, at one fell blow striking down from them the one safeguard which stands between us and Socialism today. Bear in mind that 400,000 farmers representing over two millions of people are scattered over the four corners of Texas—that when you seek to stifle or alter the law of supply and demand, as you seek here to do, and do violence to the principles of government which I seek to enunciate, you will at the same time strike down, and stab in the dark, every laboring man in Texas, every man who seeks to provide for himself, his wife and perhaps his suffering children, as a railroad man, as a laborer in a gin, as a laborer in a compress, as a truck driver, almost every walk of life, every man who has only a meager pittance with which to keep body and soul together. You are striking a death blow to his heart. Bear in mind, Gentlemen of the Senate, that when you once enunciate the doctrine that the government owes to every man a livelihood, you have placed in reverse all sound doctrines that have ever been enunciated. This government of ours owes to each and every individual citizen equal rights under the law; it owes to him an equal opportunity with which to earn a livelihood—that and nothing more. But when you array class against class, when you turn one man's efforts in the direction of benefiting another man, then you have created class legislation and have paved the way and laid open the door to Socialism, Fascism and any and all isms that threaten to ravage our land today.

Bear in mind that if you shall at one fell swoop, by such doctrines as enunciated in these bills now before us, say to the cotton farmer, forgetting and casting aside all other producers, that we place you in a given class, prefer you over the other,—then recall this warning, that within 30 or 60 days you will have knocking at your Governor's door and knocking at the doors of this Senate

those men who are forgotten, the men who are earning a livelihood as day laborers today. A recent survey has been made, Gentlemen of the Senate, which shows that there are in our State over 375,000 laboring men, men who earn, keep their families together only by weekly or monthly compensation—375,000 of them who own no homes. These men are dependent directly upon the monies which flow from the cotton crop of Texas. They are behind in their rents today. Hundreds and thousands and tens of thousands of them walk our highways and our byways, idle, suffering, at this moment. If you now by such socialistic legislation as this go farther and as a result thereof turn tens of thousands more of those men who own not even their homes out of work, then you have forced their landlords to foreclose their liens, turn them as forgotten and despised creatures together with their wives and children out on the highways to let the biting winter winds to blow them as they will.

Bear in mind that there are about forty millions of acres in cultivation in Texas today. Bear in mind that almost twenty millions of acres of that is planted to cotton. With that in mind can you now say that only one-fourth of that twenty million acres can be planted in the only cash crop that we have and that fifteen million acres are to be confiscated on the spot. Think about how you are by such action striking at the very existence and the very soul of every boy and girl in this State. Think how you are striking at the breadwinner, the head of every family in this broad land of ours. Bear in mind that the specious argument advanced that a man can plant these confiscated lands in corn, wheat, potatoes or other similar produce is fallacious economic theory upon its face and those who utter it know it and admit it. Oh, my friends, it is said that there is something new about this occasion, and it being new and the times being troublesome that we should resort to some extraordinary and unusual remedy. Let me cite you to the fact that there is nothing new in this socialistic legislation advanced to you today for seventeen years ago this very month. Governor O. B. Colquitt, then Governor of Texas, convened the Thirty-

third Legislature in Extraordinary Session, to do what? To entertain and consider the very same sort of revolutionary doctrine presented here today. Cotton was then about four or five cents a pound and he called the Legislature together and submitted to it as an administration bill a measure which would have prohibited any man from planting more than twenty acres to cotton. The Legislature came to Austin and convened. It took up that proposed measure and its companion measure which would have created a Bank of Texas to handle and finance this crop—and I interpose the thought that just as surely as we stand here today if we enact this legislation the very corollary which will naturally follow, will be a State Bank or other similar institution to finance this crop. Governor Colquitt advocated the Bank of Texas. But let it be said to the everlasting credit and wisdom of those who represented their constituents at that time that after full debate they saw fit to send those measures down to ignominious defeat. When they performed that public service they acted as men, protected the people of Texas and established a precedent upon which we may well stand. Substantiating the wisdom of those men was the fact that within twelve months from that day King Cotton reigned supreme once more at a price of twenty cents a pound.—Why the very folly of that situation makes it only the more comparable to the one here now before us! At that time the pernicious doctrine of expediency waxed so strong that in an effort to bring about its defeat those men who remained steadfast had printed over a million dollars of specious money, drawn on The Wildcat Bank of Texas, distributed it as a visible token of the utter fallacy of the radical ideas then advanced. I hold in my hand a bill drawn at that time. It was considered that this bank, having been set up and established would take and use the most sacred funds in Texas, the school funds, Senator Neal, the funds which belong to the school children of Texas. Radical men advocated that to bolster up the socialistic idea of limitation of acreage by law. If they advocated such indecent doctrines at that time, taking and using trust funds belonging

to the weak and the innocent for such a purpose, I believe you who have fostered the present radical measures have failed to show that it will not be advocated again now. They drew those bills—here is a hundred dollar bill drawn on The Wildcat Bank of Texas showing whereby they expected to take the school fund and put it up to finance the cotton crop, trusting to the future to pay it back. There is a great lesson pictured on this bill. It is drawn on The Wildcat Bank of Texas and bears a facsimile of the then Governor of Texas and purports to be secured by the sacred funds of our school children, showing on the one side the taking of the school children's funds and on the other those who, having thus taken, falling by the wayside and winding up within the penitentiary walls. I say that is a tangible token of what happened in 1914 and what is more impressive, a token of that which is about to happen here and unquestionably will happen if we adopt and pass such dangerous doctrines as these.

I assert that it is utterly false in every known manner to attempt to say that the 75 per cent of your lands and of mine which will be confiscated over a period of years may be planted to some other sort of crop with any reasonable expectation of disposing of such other crops on an already glutted market. Look how utterly false it is. In the small town of Lockhart in my district in this one season alone the one crop which has brought in any money or enabled any farmer to pay any of his just obligations for merchandise advanced to him and to liquidate the credits extended to him at the banks and elsewhere has been cotton and cotton alone; statistics in that one small community showing that the corn and other feedstuffs sold on the market in this year of 1931 being less than ten thousand dollars. But the money derived from that basic staple, cotton, totals over \$344,000. I submit to you in all candor, how can you ask any man who by the sweat of his labors seeks to keep his family together and earn a livelihood from an unwilling soil—how can you press upon his brow a crown of thorns wrapped up in a provision like this? How can you ask him to

meet his obligations? How can you ask him to go back to his landlord to finance his crop in the future if you give to him no means whereby to discharge his obligations when they become due?

Ah, it is said that this is something new. I but ask you to hark back to the days of not so many years ago when the great British Empire seeking to establish a monopoly and increase the price of rubber—that is about all you are doing here is seeking to establish a price for cotton—when they undertook to do it on a world-wide commodity such as rubber they waxed fat for a short span of months but the inevitable law of supply and demand, the inevitable incentive of the people of the earth to obtain money from that which is denied to another, came into being and every nation and section of the world which could produce rubber under its climatic and atmospheric conditions went into the business on a very large and unusual scale and the bottom dropped out of the rubber market. There is one of the most outstanding examples to which we can point to show the tragedy of such a situation and what happened in the wake of it. Those citizens of the British Empire went down in a financial crash, one after another; but heeding not that, there came along those in another hemisphere, those in the South, our neighbor Brazil, attempting the same thing on coffee. The same results flowed from that; but not being sufficiently warned by those two outstanding examples, our neighbor, just below us, off the tip of Florida, and those who control her destinies, sought to establish a fixed price upon sugar and you and I all know what happened to it and the ruin and suffering which followed. If those three great staple commodities cannot have prices fixed upon them with the unlimited financial means from the greatest money powers in the world, then I humbly submit to you that in my candid judgment no legislature with its limited means and limited financial ability, with its limited territorial scope, shall ever have the power given to it to attempt to establish a price on any other staple commodity, such as cotton.

Ah, there is another outstanding example of failure. Let me say to

you, gentlemen of the Senate, and to you, Mr. President, for you somewhat agree to these doctrines, I call it to your attention likewise. Bear in mind that the great Farm Board of these United States of America, bearing more power, more unlimited authority than any other agency of government ever set up by our Nation except during time of war, with over five hundred millions of dollars to dispense with blanket authority cloaked around each one of its individual members of the Board to take any and all actions they saw fit at any time under any conditions, were turned loose to solve the problem of the farmer. I shudder to reflect and turn back upon the black pages which have been enacted by that iniquitous Board, spending over a half billion dollars coming out of the pockets of the tax payers, attempting to fix a price and thereby creating tragedy to an unbounded and unthinkable degree. If they are unable with those magnificent powers, if they are unable with that almost fabulous sum of money, if they are unable to protect price, then I ask how can the Legislature of Texas, even though it work in co-ordination with other Southern States achieve anything but the same ruinous results. Oh, I say to you it is a pitiful thing to contemplate, oh, gentlemen of the Senate, when you recall to mind that by far the overwhelming number of men and women who will be affected by this legislation are those who form not only the backbone of our country but the very best of our citizenship. They are not the men who own, control, operate and produce upon thousands of acres; they are the humble but honorable citizenship who by virtue of the labors of themselves and families seek to earn a livelihood from a few acres of land. It is stark tragedy, gruesome and unthinkable which will descend upon that man who has the pitiful amount of a hundred acres of land and no more, when you say to him that out of your hundred acres only twenty-five of them may be planted to a crop which will yield to you one dollar. Then I say that you drive that man into the hands of the bandit, into the hands of the grafter, into the hands of the thief, into the hands of the law breaker, and deliver him

over to the evil forces of the land. No man, Senator from Coleman, will stand idly by and allow that for which he has slaved all his life, to earn and perpetuate, to slip away and he be thus deprived of the means to clothe and feed his family by an arbitrary and prohibitory law such as you contemplate here. There is a man whom you are going to hurt along with the ordinary day laborer, the man who, friendless, is forced to turn to the loan shark and fall within his toils or convert himself into a highwayman and prey upon his fellow man. You will see, just as surely as this legislation is enacted, you will see it this winter and in the winters to come, you will see this fair State of our infested, festered and overrun with the law breaker, the outlaw and the gangster to a degree that will put the City of Chicago to shame. No honorable man, sir, will do a dastardly deed until he is driven to it; but when he is, under the lash of a dictator, driven to it by the great State under whose laws he lives, think of the misdeeds and crimes which will be perpetrated by him and think of the thoughts which impel him to the commitment of them. He will turn back in his troubles and in his misery, he will turn back when his children cry for bread to the thought that he was not only failing to receive from the hands of his State an equal opportunity, but he will recall that his State has arbitrarily by the iron hand of a dictator, impress that situation and that misery upon him. Do it, if you will. I cannot and will not be a party to such an action as will cause the ordinary honorable God-fearing man to rise up and curse his government.

Hear me! The voice of the demagogue is abroad in the land. There may be those—and I do not criticize them for it—there may be those who have sincere and honorable purposes who have gone over this far State and preached the doctrine of cotton acreage reduction by law and resulting price fixing; but I say to you that when they preach that doctrine they are but fomenting revolution and bringing the day of disintegration near at hand. In my humble opinion it is the duty of a State official not only in times of peace and plenty but in times of trial and tribulation and turmoil such as we now have

to go forth and preach the doctrine of conservatism and respect for the law under which we live. The man who goes abroad and raises his voice and says to the people: "Oh, pass this bill and we will give to you more money on the morrow," is not only misleading, he is not only seeking and promising that which is impossible, but he is providing the means whereby, when the man, disillusioned, wakes up to the realization that it was but a specious promise and those promised things cannot and will not materialize—he has provided the means whereby that man will turn lawbreaker and as a result thereof become a drag on society. It is the duty, as I conceive it, of a state officeholder to speak the law, and ask for and preach to the people respect for and obedience to the law. I ask you why it is today that there is such a broadcast idea in the minds of men that the law is only made to be flaunted? I say that the answer lies in the dangerous ideas and doctrines and hasty acts performed and words spoken by just such men as the demagogues who have recently gone abroad in this State of ours. I criticize no persons if they have acted according to the dictates of their consciences; but I do question severely the judgment they used when they arrived at the conclusion that such socialistic doctrines sown in the minds of the populace could breed anything but strife and dissension. But it has been said and repeatedly said, that if we solve this question through the medium of state legislation—and remarkable as it may seem, Senator from Carthage, without intending to direct this immediately at you,—but remarkable as it may seem, some of those who raise the loudest hue and cry at this time for the enactment of such measures by this legislature to cure this evil are the very men who listened to the Pied Piper of Hamelin in 1928 and did violence to the Democratic Party of these United States, supported that creature who calls himself a man but who is a wolf in sheep's clothing now in the national capitol—went far afield to help sweep Texas into the Republican column to the everlasting shame of them and their children's children.

It is remarkable that the majority of those, or at least a great number of them, who have come asking for this sort of legislation, are the very

men who have brought these conditions about. The blood of the starving farmers in Texas today is upon their hands and they cannot deny it. When they led this fair State of ours into far and distant fields in the Fall of 1928 they but laid open the door and paved the way for the evil days which have now descended upon us.

Senator Holbrook: Will the Senator yield right there for a question?

Senator Hopkins: Yes, sir, I will yield.

Senator Holbrook: And this farm problem was one of the main things that brought this condition about?

Senator Hopkins: Yes, Senator from Galveston. Those who departed from the straight and righteous paths of the party of their fathers and did violence to every right which Democratic people love and cherish, they are the very men seeking to substantiate their position on farm relief—they are the very men who by their act, voice, deed and conduct at that time brought down upon this Republic and this Nation the greatest, the blackest and the heaviest curse that has been laid upon us in 100 years. The Republican tariff wall has been erected by that very spineless man whose candidacy they sponsored, that very man who has wrought and put the yoke of slavery upon our farmers. It is indeed passingly strange that those men who led that sort of fight now come back and say, "Oh, we must do something for the farmer through the State Legislature." Let me say to you that the Smoot-Hawley tariff bill not only received the approval and approbation of the President of the United States but it received as well his very active support, and when it had received his support he well knew and the National Congress well knew that they were building up a condition which would take the strength of a Hercules to rectify.

Senator Holbrook: Will the Senator yield?

Senator Hopkins: Yes, sir.

Senator Holbrook: How many Democrats in the South were there that joined the regular Republicans to bring about the coalition that passed the tariff bill?

Senator Hopkins: That I cannot answer. I do not criticize the present incumbents of the National Congress from Texas other than to say to them that when they come before

this body or before any group in Texas, as they have done in recent time, and say, "Congress can do nothing about it. We pass the problem back to the State Legislature," I say they do not play fair with the citizens of this State.

Senator Holbrook: Will the Senator yield?

Senator Hopkins: Yes, sir, I will yield.

Senator Holbrook: Don't you think it comes with poor grace for them to say to us that we ought to handle the problem that they promised to handle?

Senator Hopkins: Unquestionably so. They come with exceedingly poor grace when they ask this Legislature to seek to rectify a problem which is international, world-wide and far flung to the remotest corners of the earth. They know that this Legislature and no group of legislatures can solve this problem; and yet they and those who follow them have gone abroad and preached revolting and revolutionary doctrines to the people, bringing about this session of the Legislature.

Let me say to you in my humble opinion, Mr. President, that the margin of profit in a cotton crop is not that which is consumed within the borders of the United States but the margin of profit in the southern cotton crop is that which is exported and goes abroad and is manufactured. It is the exportable surplus of the cotton crop which represents the margin of profit and I submit to you that if this be true—and I don't believe any reasonable man will question it—and if that be true, how can a Republican administration again expect the cotton farmer to ever receive back the hard earned dollars he expends in bringing into being this crop when they have by this high tariff wall cut off all opportunity for England, France, Russia, Germany and all other mills of Europe and foreign nations which consumed our crop—when they cut off from them opportunity to trade their commodities or to convert their commodities into cash with which to buy this exportable surplus. Then, I ask you, if the tariff wall is not the direct, proximate and contributing cause of this trouble in which we find ourselves? It is not overproduction but it is under-consumption as a result of this tariff wall which has been thrown around our seaboard.

And you say that a state legislature can change it? In my opinion this Legislature and all the legislatures of the Southern States can remain in session and pass bills from now until Doomsday but they cannot and will not affect or solve that international problem.

Senator Holbrook: Will the Senator yield?

Senator Hopkins: Yes, sir.

Senator Holbrook: On the contrary it would dry up our markets and allow foreign countries to take them from us?

Senator Hopkins: Yes, sir, Senator. There is no doubt that if you cut down the planting of cotton in these United States to one-fourth of the cultivated area you will give the incentive and provide the means of competition to Egypt, India, China, Russia, Africa, Mexico and every other nation and country on this earth of ours where climatic conditions will allow—you will open the way for them and give to them the incentive to plant every possible acre to cotton and take away from us the foreign markets which we have enjoyed these many years.

Senator Cunningham: Will the Senator yield?

Senator Hopkins: Yes, Senator, I will yield.

Senator Cunningham: What hope do you have that the doctrine of protectionism that has been grafted on this government will be abandoned?

Senator Hopkins: I say to you, Senator, elect a Democrat as President of these United States in the coming election year instead of further risking The Ship of State with the Great Engineer of Destruction, Mr. Hoover. That is the only way known to me to obtain it. To substantiate my statement that our foreign markets will be lost to us, let me quote to you a statement of statistics from the International Cotton Federation reports. It shows that in 1928 the United States exported—listen—exported over 4,000,000 bales more to be consumed in the mills of Europe, with a smaller crop, than she did in the year 1930, and at the same time the mills of Europe used more than 775,000 bales more of foreign cotton in 1930 than they used in 1928. Those figures are incontestable and show that under this international situation we have, our exportable surplus is no longer flowing into the channels of trade and

into the mills of Europe but that its place is being taken by cotton coming from other foreign countries.

Senator Holbrook: Will the Senator yield?

Senator Hopkins: Yes, sir, I yield.

Senator Holbrook: And as a further incentive along that line, isn't it a fact that the English Government took over the Russian supply last year and took all their cotton and thereby took away our markets there?

Senator Hopkins: Yes, sir. There is no question about it. And I say, therefore, that it is incontestably the fact that we will have driven away from us the very sources upon which we now rely to consume our crop. Ah, I say to you that it is far flung, that it is international, that it is widespread and that those who undertake here overnight to perform a miracle but follow the will-o-the-wisp and do that which they do not realize! But you say, "You are an obstructionist; you oppose everything and are a radical in that you never offer a solution." I wish it were given to me to have the tongue of a Demosthenes, the logic of a Webster, the eloquence of a Grady and the courage of my father of sainted memory, a man of strong conviction who has gone before me, would that I had the power and these qualities to present the solution to you as I see it.

It is a very simple remedy that I would offer to the Congress of the United States. It can settle the problem without undue difficulty, and this thought is not entirely novel to me. It can set up the means just as it did in creating the War Finance Corporation, to the extent of giving to a similar agency an appropriation of say, \$500,000,000, or any other arbitrary figure. It could then inaugurate an international commodity finance corporation. That sounds like a mere lot of words; but in substance it could provide through the medium of that amount of money the means whereby the individual exporter in the United States could contract, not with a foreign government, but with an individual in a foreign land, for the purchase of these bales of cotton in lots of thousands and tens of thousands of bales and allow those foreign interests to purchase it under guarantees from their governments for the purchase price. They could finance it through a revolving fund

of that sort; and I submit that a commodity finance corporation could be created by this Congress of ours. Let me repeat just for a second some of the benefits flowing from such a scheme. In order to bring about the friendly relations which these United States should have with foreign nations they could immediately make these commodity loans, these loans to be made for a two-year period at a low rate of interest, and be guaranteed by the respective governments borrowing the funds, the loans to be available only for the purchase of our commodities through the regular commercial trade channels. If we would inaugurate a movement like that and submit it to our Congress, it would start a world-wide buying movement, bring about a rapid consumption of millions of bales of cotton; and if anything would bring about a rise in price this would get much nearer to it than anything else I know.

Senator Holbrook: Will the Senator yield?

Senator Hopkins: Yes, sir.

Senator Holbrook: Isn't it a fact that the greatest financiers of the country have gone over and subverted the government loans to their own benefit and what we are falling short of today is international trade relations which are the poorest of any nation on earth?

Senator Hopkins: Unquestionably so, Senator from Galveston. You enunciate a real truth. I only wish I could further expand upon this plan. Just let it be said, however, that it is feasible, possible and practical for the National Congress to solve this question, and it alone can solve it. This Legislature can and never will but in an attempt so to do you would overnight pass bob-tail legislation such as you suggest here.

But, gentlemen of the Senate, there is more to be considered in this matter than a possible solution. Your forefathers and mine in the year 1879 rewrote the Constitution under which you and I live. They carried forward and incorporated in that document at that time all the many good points which had been in prior constitutions, submitted that Constitution to the people and it was ratified in February, 1880. That is the fundamental law of the land today and has been ever since its adoption, and what does it do? Like

all constitutions, it guarantees to every individual man certain inherent, inalienable rights which shall never be tampered with or denied to him in any shape or fashion. Allow me to take your minds back to the thoughts of our forefathers then. They builded, Mr. President, better than they knew. They builded for troublesome times, for just such times as we have staring us in the face today. They said in the very opening lines of Article 1 of your Bill of Rights that the right of local self-government should forever remain unimpaired to the people—that the right of local self-government should forever remain unimpaired to you and to me. And if this sort of socialistic legislation which seeks by rigorous, prohibitive measure to tell an individual how he shall and how he shall not handle that which he owns, I say it does violence at least to the spirit, if not to the letter, to the opening lines of your Constitution and mine. But it goes further. Realizing, as our forefathers did, that the Federal Constitution contained that which is known as the Fourteenth Amendment, realizing that that Fourteenth Amendment said that no man's property should ever be taken from him without due process of law, our Texas forefathers wrote into our Bill of Rights Section 19 that incorporates exactly the same doctrine. Hear me, you who advocated these measures! Answer this constitutional provision if you can. I challenge you; I lay down the challenge now. "No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land." And that section follows Section 17, which also says that "No person's property shall be taken, damaged or destroyed for, or applied to public use without adequate compensation being made, unless by the consent of such person."

Senator Stevenson: Will the Senator yield?

Senator Hopkins: Yes, sir.

Senator Stevenson: Will you discuss Section 59 of the Amendments?

Senator Hopkins: I will be very glad so to do, Senator from Victoria. But let me say it is passingly strange that every man who advocates these bills has sat upon the floor of this Senate and let his tongue cleave to

the roof of his mouth as to how this thing can be supported under the law. Ah, but that is not all. Having guaranteed those inalienable rights to you, and believing as they did that the day would come when the voice of the demagogue would be heard in this land, questioning those rights, they, seeking to protect the people, not only then but now and in the future, provided in Section 29 of that document, gentlemen of the Senate,—your forefather and mine, that "To guard against transgressions of the high powers herein delegated, we declare that everything in this 'Bill of Rights' is excepted out of the general powers of government, and shall forever remain inviolate, and all laws contrary thereto * * * shall be void."

Senator Holbrook: Will the Senator yield?

Senator Hopkins: Yes, sir.

Senator Holbrook: That very thing protects the minority from the majority?

Senator Hopkins: Yes, sir, it protects the weak from the strong and at the same time protects that small land owner for whom I speak.

Senator Holbrook: They never would have voted for the Constitution if that section had not been put into it?

Senator Hopkins: That is undoubtedly true and if you go back to the Minutes of that Constitutional Convention you will find that those very sentiments were expressed. To guard against the transgression of the high powers therein delegated they declared that everything in that Bill of Rights—and that Bill of Rights says you shall be protected in the quiet ownership and enjoyment of your property—should be forever excepted from the general powers of government; and I ask you, Senator from Coleman, how can you in the face of that provision that took from you and from the Governor of this State, and took from this and all succeeding Legislatures the power ever to transgress upon that right—how can you in the face of that say that this bill will meet the test? How can you in your own mind as a sound lawyer justify your position? I say to you that if it is denied to the Legislature, or the power is excepted from a government, it is entirely beyond

the jurisdiction or purview of this Legislature to tamper with it.

Senator Woodward: Will the Senator yield?

Senator Hopkins: Yes, sir, Senator from Coleman.

Senator Woodward: I didn't understand the provisions of the Constitution to which you refer.

Senator Hopkins: I refer to Sections 1, 17, 19 and 29 of your Bill of Rights and of mine.

Ah, let me say to you, gentlemen of the Senate, this same Bill of Rights which protects you in the ownership of your property, this same Bill of Rights which says you shall own the roof which covers your head and the heads of your wife and family, this same Bill of Rights is the one which guarantees to you the right to worship Almighty God according to the dictates of your own conscience. It is the same Bill of Rights which guarantees to you the right of free speech; it is the same Bill of Rights which guarantees the freedom and liberty of the press; it is the same Bill of Rights which guarantees to you the right of trial by jury; it is the same Bill of Rights which guarantees to every man those personal, inalienable rights that are inherent in a free people; and if you can set aside, invade, do away with, tamper with, violate, or do violence to any section or any part of it as you seek to do with these cotton bills in the face of Section 19, then who are we to say that a succeeding radical Legislature cannot do violence and set aside by statutory enactment your right and my right of trial by jury? Martial law is the law of the bayonet and has been recently applied in Texas in an extraordinary manner.—

Senator Holbrook: Don't you think that spirit of martial law gave birth unquestionably to this session that enacted this legislation?

Senator Hopkins: Yes, sir; that spirit of martial law which brought about this condition brings about and creates the reasons for this present session. If martial law can be declared for the oil industry, without constitutional or statutory authority as it has been done, and your demagogues have gone abroad and preached that as one of the reasons for the calling of this session; if the point of the bayonet can be leveled at the man who owns an oil

well, and he be told that prices can be stabilized by the constabulary of this State, who is there among us to say that the day will not come, and come speedily, when every man who OWES an acre of land will be faced with the militia on his very hearthstone and at the point of the bayonet told, "John Doe, you own Blackacre; you have bought and paid for it by the sweat of your brow; you own it in fee simple estate; but nevertheless, the great State of Texas, with steel piercing your breast, tells you how you shall plant it and to what and when." I want to see the color of the man's eyes who owns an acre of land when martial law is declared to enforce the terms of these bills and the soldiery of the State comes to him challenging him in his right to use his property as he deems best. I say to you he will revolt; that he should revolt and by every right he will do it as free men always do.

Senator Holbrook: Will the Senator yield?

Senator Hopkins: Yes, sir.

Senator Holbrook: Under that same Constitution didn't the State grant him title forever to these same lands and say that it would defend such title?

Senator Hopkins: Yes, sir. It is an inalienable right that the State fixed in every man, flowing from the great State of Texas into its individual citizens; and yet we are here by these socialistic undemocratic doctrines striking down that very safeguard and wrecking the titles to those lands which the great Commonwealth of ours gave and guaranteed to every man who accepted title under it. Ah, let me say to you that in the revolutions of 1776 and 1836 the same doctrines and principles were involved as are involved here. The same principles which moved and motivated those patriots to take up their arms and leave their homes in defense of a principle of government are the same motives by which men are moved today. It was an unalterable principle then; it is an unalterable principle now. They took up arms in defense of property rights and the right to use and enjoy their property free and untrampled by any man or set of men.

Senator Holbrook: Will the Senator yield?

Senator Hopkins: Yes, sir, I yield.

Senator Holbrook: It was guaranteed them under their charters from the British Government, was it not?

Senator Hopkins: Yes, sir; guaranteed to them as the inalienable rights of free men. Let me ask you, Senator from Taylor, to go down into the corridors of this capitol, go down and read the ordinance hanging there, adopted by the Convention that assembled here in the City of Austin on February 1st, 1861, when Texas seceded from this Union. Read there the words written indelibly by glorious statesmen now gone to their reward; read there that one of the reasons which impelled secession was the fact that property rights of this State were not being recognized and protected by the Federal Government. Signed to that document are the names of great and illustrious men, the names of Oran M. Roberts, John H. Reagan, Richard Coke, and, among many others, I am proud to say, the name of William H. Stewart, from the town of Gonzales, my home. They, these men, fought for their principles and they believed them to be unyielding. If they were true then, they are true now; and they will go uncontaminated forever. Ah, many of you will laugh and say, "Oh, those that have gone on before know not whereof they spoke." Be that as it may let me remind you that time has already proven the efficacy of their position and future time will be strengthen them. There are many here today who will not agree with Joseph W. Bailey who saw the day coming and who enunciated doctrines which were as true as truth could be and which are applicable here today. In "The Democratic Review" of February, 1921, he set out what he called "A Declaration of Principles" and he dedicated it with a foreword which I think is absolutely pertinent to the situation here. He said in this foreword: "To resist the further encroachment of the Federal Government on the sovereignty of these States, and thus help to perpetuate this Republic as our Fathers established it; to oppose the further abridgement of individual rights, and thus help to preserve for ourselves and our posterity the inestimable blessing of civil liberty; to support our Constitutions, both State and Federal, in all of their provisions, and thus help to limit the

power of those who are chosen to govern us; to contend against the progressive paternalism which is rapidly reducing us to a state of governmental pupillage, and thus help to restore that self control without which no people can ever be capable of self-government; to defend the right of private property, and thus help to assure those who are industrious enough to work, and prudent enough to save, that they shall enjoy the fruits of their industry and their prudence; to combat Socialism in every form, and thus help to maintain an orderly government in our country,—are the principal purposes intended to be served."

This set of principles is everlastingly, fundamentally true; they were true then and they are true today. He went even further and set out in Section V of his declaration that, "We denounce the growing tendency to regulate everything by law"—and that is what you seek to do here; you seek to regulate everything from the very top to the very bottom and to regulate by prohibitory measures, the very basic industry upon which we must stand or fall.

Senator Stevenson: Will the Senator yield?

Senator Hopkins: Yes Sir.

Senator Stevenson: I asked you a moment ago to discuss an amendment—

Senator Hopkins: Yes Sir, and I will discuss it for you in a few moments.—Completing Senator Bailey's declaration: "And we demand that every American citizen shall be left as free to do for himself, and with his own, as is consistent with the peace and good order of society." Is peace and good order of society going to be best served by the passage or the denying of this legislation? I ask you the question.

He did not stop there but enunciated another fundamental truth. In this "Declaration of Principles" he said: "We believe in the right of private property, and we are uncompromisingly opposed to socialism. We hold that every man is entitled to enjoy all he can honestly earn"—but you seek to arbitrarily cut him off here to the extent of three-fourths of his land—"and we deny the right of any Government to take one man's property for the benefit of another man." But that is what you seek at least indirectly to do by this legis-

lation. You would array class against class and create class hatreds and prejudices forever and all time to come.

There are those who will tell you that such bills as these can be supported. Let me ask you if the following language as enunciated by the Supreme Court of the United States is pertinent. This is a case, Mr. President, that arose involving the rights of a lowly Chinaman. A poor Chinese in the City of San Francisco wished to erect a building as he thought he had a right to do and ran afoul of a prohibitory and arbitrary statute. Believing that such a statute did violence to the protection that the law should give to every man, no matter how humble his station in life, those who came to the rescue of this poor Chinese took the case to the Supreme Court of the United States in the year 1885 and the Court in construing that law which sought to prohibit him from the use of his property reversed and remanded the trial court and all subordinate appellate courts and rendered an opinion in favor of this man and used this language in so doing. It is the case of *Yick Wo vs. Hopkins*, decided by the Supreme Court of the United States in October, 1885, the opinion having been written by Associate Justice Matthews. Listen to this, Mr. President; this is the language of the Court discussing whether or not the law had a right to tamper with a free man's property:

"When we consider the nature and the theory of our institutions of government, the principles upon which they are supposed to rest, and review the history of their development, we are constrained to conclude that they do not mean to leave room for the play and action of purely personal and arbitrary power. Sovereignty itself, is, of course, not subject to law for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people by whom and for whom all government exists and acts. And the law is the definition and limitation of power. It is, indeed quite true that there must always be lodged somewhere, and in some person or body, the authority of final decision; and in many cases of mere administration

the responsibility is purely political, no appeal lying except to the ultimate tribunal of the public judgment, exercised either in the pressure of opinion or by means of the suffrage. But the fundamental rights to life, liberty, and the pursuit of happiness, considered as individual possessions, are secured by those maxims of constitutional law which are the monuments showing the victorious progress of the race in securing to men the blessing of civilization under the reign of just and equal laws * * * For, the very idea that one man may be compelled to hold his life, or the means of living, or any material right essential to the enjoyment of life, at the mere will of another, seems to be intolerable in any country where freedom prevails, as being the essence of slavery itself."

I submit to you that this is an enunciation in beautiful and no uncertain language, the principles of which I seek to set forth; but let me say further that we do not have to go so far afield to find even more pertinent argument against such legislation as is now proposed.

Senator Woodward: What volume was that?

Senator Hopkins: Volume 118, United States Supreme Court reports page 369.

Allow me, if you will, to transgress upon your time to give you the thought of a Chief Justice of your own State Supreme Court on the right of an individual to use and enjoy his property. This case arose, Senator from Dallas, from your own city, and was decided on November 2, 1921, by Chief Justice Nelson Phillips, being the case of *Spann vs. City of Dallas*, reported in 111 Texas, page 350. In discussing the rights of the individual to use his own property he used in my opinion, some of the most forceful and lucid language that ever fell from the lips of man on the subject. He set out in unmistakable terms what the rights of a man were to the use of his property. This language is incorporated in his opinion:

"Property as a thing consists not merely in its ownership and possession, but in the unrestricted right of use, enjoyment and disposal. Anything which destroys any of these elements of property, to that extent destroys the property itself. The substantial value of property lies in

its use. If the right of use be denied, the value of the property is annihilated and ownership is rendered a barren right. Therefore a law which forbids the use of a certain kind of property, strips it of an essential attribute and in actual result prescribes its ownership."

I submit to you for successful contradiction whether or not the lawyers who have supported these measures can defeat the fundamental truth set out in that opinion. Does not your bill seek to hamper the use of that property; does not your bill seek to impair his enjoyment; does it not run afoul of the very language set out by the Chief Justice when he says that when you destroy any of the elements of property you destroy the property itself? But he went on and discussed the police powers of a government, under which power you at least partially attempt to justify your bills. He said:

"The police power is a grant of authority from the people to their government agents for the protection of the health, the safety, the comfort and the welfare of the public. In its nature it is broad and comprehensive. It is a necessary and salutary power, since without it society would be at the mercy of individual interest and there would exist neither public order nor security. While this is true, it is only a power. It is not a right."

But the police power that you would invoke here to substantiate your bill is a power and not a right, for the right is denied to this Legislature under your Bill of Rights and mine. Judge Phillips said further:

"The powers of government, under our system, are nowhere absolute. They are but grants of authority from the people, and are limited to their true purposes. The fundamental rights of the people are inherent and have not been yielded to governmental control. They are not the subjects of governmental authority."

Senator Small, you seek to make every man subject to governmental control to the extent that you would confiscate three-fourths of his property overnight. Do you deny that such is what you seek to do under the terms of your bill?

Further this opinion says:

"They are the subjects of individual authority. Constitutional powers

can never transcend constitutional rights."—Under that doctrine, grant, for the sake of argument, that you have the constitutional power, which I do not believe you have, but if you have the constitutional power, that power cannot transcend the constitutional right which is inherent in you and in me. He goes further and says: "The police power is subject to the limitations imposed by the Constitution upon every power of government; and it will not be suffered to invade or impair the fundamental liberties of the citizen, those natural rights which are the chief concern of the Constitution and for whose protection it was ordained by the people. All grants of power are to be interpreted in the light of the maxims of Magna Carta and the Common Law as transmuted into the Bill of Rights; and those things which those maxims forbid cannot be regarded as within any grant of authority made by the people to their agents."—Think about it! When we seek to wrest from a man his property we transcend every constitutional right known to man as set out in this opinion.—"In our Constitution the liberties protected by the Bill of Rights are, by express provision, 'excepted out of the general powers of government.' It is declared that they 'shall forever remain inviolate,' and that 'all laws contrary thereto shall be void.'"

"To secure their property was one of the great ends for which men entered into society. The right to acquire and own property, and to deal with it and use it as the owner chooses, so long as the use harms nobody, is a natural right."

"It is a God-given and a natural right. It does not owe its origin to constitutions. It existed before constitutions came into being. It is a part of the citizen's natural liberty, an expression of his freedom, guaranteed as inviolate by every American Bill of Rights. It is not a right, therefore, over which the police power is paramount. Like every other fundamental liberty, it is a right to which the police power is subordinate. It is a right which takes into account the equal rights of others, for it is qualified by the obligation that the use of the property shall not be to the prejudice of others. But if subject alone to that qualification the citizen is not free to use his lands and his goods as

he chooses, it is difficult to perceive wherein his right of property has any existence."

"The ancient and established maxims of Anglo-Saxon law which protect these fundamental rights in the use, enjoyment and disposal of private property, are but the outgrowth of the long and arduous experience of mankind. They embody a painful, tragic history—the record of the struggle against tyranny, the overseership of prefects and the overlordships of kings and nobles, when nothing so well bespoke the serfdom of the subject as his incapability to own property. They proclaim the freedom of men from those odious despotisms, their liberty to earn and possess their own, to deal with it, to use it and dispose of it, not at the behest of a master, but in the manner that befits free men."

I ask you, gentlemen of the Senate, and those of you who purport to be lawyers and practice under the law of this land, I ask you to successfully deny the truth uttered in that opinion and to substantiate your bill in the light of it. Great men for hundreds and hundreds of years have enunciated the same doctrines. Thomas Macaulay had this to say when he looked down the lane of years, almost to this very day. Over a hundred years ago he said:

"Our rulers will best promote the improvement of the nation by strictly confining themselves to their own legitimate duties—by leaving capital to find its most lucrative course, commodities their fair value, industry and intelligence their natural reward, idleness and folly their natural punishment—by maintaining peace, by defending property, by diminishing the price of law, and by observing strict economy in every department of state. Let the government do this—the people will assuredly do the rest."

So I say when we come here and seek to attack the dragon with a straw, when we seek to remedy the situation and drive the foul pestilence from the land, we press a crown of thorns upon the brow of the man in distress; we attack the problem from a reverse angle and by rigorous arbitrary legislative action defeat the very purpose sought to be achieved.

Senator Stevenson: You haven't yet discussed the amendment to the Constitution about which I asked.

Senator Hopkins: All right, sir, I will discuss it for you. It is Article XVI, Section 59-a, enacted in 1919 after having been submitted to the people for ratification in 1917. You now seek to say that you predicate the legality of this bill upon the amendment dealing with the conservation of natural resources. You say by construction, and by that alone, that the soil is a natural resource. The soil itself may be a natural resource; but, Senator from Victoria, the right to own it is a natural, God-given right and not a resource; and your own constitutional amendment deals not with the right but the control and storing of water, with the preservation of storm and flood waters and the waters of streams for irrigation, for power purposes, for drainage and reclamation, for hydro-electric purposes, and in the same amendment provides for the manner in which a tax may be levied for reclamation and drainage districts—all showing clearly and conclusively that only such resources as waters were contemplated as coming within the terms of the amendment. The whole intent and purpose of it is to deal with water power from the standpoint of a natural resource and not by the remotest construction can it be said that soil is contemplated to be involved. The word "crop" and the word "soil," or the reference to either, or the right to ownership of property was nowhere involved in that amendment nor intended to be involved; and I challenge any member of the Senate who at the polls voted upon that constitutional amendment to say that he understood it, either by intent, spirit, or purpose to have anything to do with the right of ownership and enjoyment of land. No court in this land will so construe it. The preservation of the soil is a duty which every man owes to himself and to those who come after him; but the right of ownership he yields to God alone; he yields it not to the State for the State has passed it down to him forever to remain inviolate.

Senator Holbrook: If they are trying to bring cotton under that part of the Constitution can you understand why they don't bring in corn, oats and every other known thing?

Senator Hopkins: No, sir, I do not and believe it is impossible of explanation. To make soil a natural

resource one is forced to say that the cotton industry, as you attempt to regulate it here, is an industry impressed with the public interest. Now when you attempt to justify it upon that ground you are immediately confronted with Federal court decisions one right after another, starting back in the early days, coming down to the case of Williams vs. Standard Oil Company, 278 United States Court Reports, which I hold in my hand, and down to a recent decision handed down by the Federal Court, not yet published, interpreting a law of the State of Oklahoma, in which is used this language, viz: "A state cannot, under the guise of protecting the public, arbitrarily prohibit a person from engaging in a lawful private business." If you do not seek to do that in your bills, what do you seek to do? You seek to prohibit him from engaging in a lawful and private business when the courts have said that you, and all other legislative bodies, have no right to impose such unreasonable or unnecessary restrictions upon any business; that such business must be impressed with the public interest before it can ever come within the purview of the decisions of the Federal courts. The land, the soil, must be construed to be not only a natural resource, but the very right to own it must also be so construed to come within the regulatory powers of government before it can fall within the terms of Section 59-a, of Article XVI, the amendment you mention.

Senator Stevenson: Assuming that it comes within the purview of Section 59-a, will you say that the Federal courts would take recognition?

Senator Hopkins: I cannot assume such to be the case because the doctrine of stare decisis has always controlled the courts and will in the future and they will follow the rules laid down to them under established decisions. I am not one of those who believe that the judiciary of this State or Nation has been so perverted as to follow the rule of the people when they know it to be but the voice of the mob. Oh, my friends, I wish I could speak to you at length; that time would allow to discuss with you the terms of the bill itself. Let me remind you that a very famous statesman, standing before the Vir-

ginia House of Burgesses in Revolutionary days, raising his voice against what he believed was an iniquitous measure as set out in the English Stamp Act, called down the wrath of God upon the powers controlling the situation and who sought to force that iniquitous legislation upon them, and said, "Caesar had his Brutus, Charles The First his Cromwell," and was interrupted by cries of treason, as he continued by saying, "and George The Third may well profit by their example." Let me paraphrase to say that France had her Napoleon and Socialism held sway; Italy has her Mussolini; Russia has her Lenine, Trotsky and Stalin; and these United States of America and Texas may well profit by their example. If that be political or civil treason, I call upon you to make the most of it. I say it because I believe that the day is dawning when Socialism is about to hold sway over this fair land of ours. You might say that the day of Armageddon is near at hand; and, I fear perhaps it is, when you gaze upon conditions today and look down the lane of days to come. It can but be hurried by this type of legislation; for it is the battle of socialism vs. conservatism; it is the battle of the natural rights of man against the iron hand of dictatorship. May the day never come when this great State in which we now live have the rights of its farmers trampled under the iron heel of the dictator or the Czar. But that, gentlemen of the Senate, I warn you, is what you seek now to foist upon our citizenship.

The "Old Alcalde," Oron M. Roberts, in 1880, when, after a certain bill had been passed by the Legislature, was importuned by Judge A. W. Terrell, to veto the law, and The Alcalde, hesitating so to do, was told by Judge Terrell: "Why, Governor, the State of Texas will go to hell if you do this"—and he responded in a clarion voice that will run down the years that, "So long as I am Governor, if the State of Texas must go to hell, it will go according to law."

So I now say to you that if this State is headed for perdition unless we pass socialistic legislation, I say, as for myself, if it must go to perdition and carry ruin with it and destroy the rights and liberties of our citizens, let it go to perdition ac-

cordova to law! Is life so dear or peace so sweet as to be purchased at the price of Socialism! I ask the question and challenge an answer. Socialism knocks at the door of your capitol now. Oh, let me say to you, strike down this right and you can strike down any other right known to a free people. Tear out your Bill of Rights, wipe off the statute books every guarantee of free men, trample the Constitution into dust, and paint the blackest picture this State has even seen—for this is what you do by this type of bill.

I cry out, as did the poet, Father Ryan, about the Stars and Bars of the Confederacy,

"Furl that banner, softly, slowly,
Treat it gently, it is holy,
For it droops above the dead.
Touch it not, unfold it never,
Let it droop there furled forever
For it droops above the dead."

I say to you may as well furl that grand old flag drooping yonder, forever beyond the reach of hands which seek to hold high its resplendent glories to a shining sun, as to discard all that which is guaranteed to free-men; open doors and invite Socialism and Bolshevism. But when you do

you will never unfurl that flag again, its peoples' hopes will have withered and died. Never again will you have the quiet enjoyment of your home and family for the Red Ruin of Socialism will prevail and pour its deluge upon you and anarchy will prevail and stride over all this land. Rights are God-given; rights are beyond the law; rights are beyond constitutional limitation; rights are from the Power on High, and having been inculcated in every man, it became inalienable to him under Holy writ, guaranteed by man. Strike that down now and you will do violence to the fundamental law of The Master Above and of man below.

I beseech you, my friends, as Senators of Texas, with all the earnestness it is possible to pour out upon a subject, do not that which you will hereafter regret. Almost am I constrained to say of your actions here, "Father, forgive them. They know not what they do." If ever there were a time when free men and women should rise up and revolt against that which is being forced upon an unsuspecting people, it is this day and hour. I beg of you, Strike not down The Ancient Landmarks which thy fathers have set!

In Memory
of
Senator C. R. Buchanan

SIMPLE RESOLUTION NO. 9.

Senator Cunningham sent up the following resolution:

Whereas, The Senate of Texas has with deep regret learned that on yesterday former Senator C. R. Buchanan of Snyder, Texas, was called from life's labor to eternal rest; and

Whereas, He possessed the true qualities of a great and noble soul,—courage, charity, and love; and

Whereas, By his death, Texas has lost the service of a loyal, patriotic public servant, and the people of Texas have lost a sympathetic friend and neighbor; therefore be it

Resolved by the Senate of Texas, That as a body we express our sorrow at the passing of Senator Buchanan, that when the Senate adjourns today we do so in honor of his memory, and that a copy of these resolutions be spread upon a special page of the Journal and be mailed to the family of the deceased.

CUNNINGHAM,
BECK,
BERKELEY,
COUSINS,
DeBERRY,
GAINER,
GREER,
HARDIN,
HOLBROOK,
HOPKINS,
HORNSBY,

LOY,
MARTIN,
MOORE,
NEAL,
ONEAL,
PARR,
PARRISH,
PATTON,
POAGE,
POLLARD,
PURL,

RAWLINGS,
RUSSEK,
SMALL,
STEVENSON,
THOMASON,
WILLIAMSON,
WOODRUFF,
WOODUL,
WOODWARD,
WITT.

Read and adopted unanimously by a rising vote.